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8 Counsel for Defendant Melvin Shields

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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 UNITED STATES,

14 Plaintiff,

15 v.

16 MELVIN SHIELDS, ET AL.,

17 Defendant.

Case No. CR 12-00410 RMW/PSG

**UNOPPOSED APPLICATION TO
MODIFY CONDITIONS OF PRETRIAL
RELEASE TO PERMIT MELVIN
SHIELDS TO TRAVEL TO THE
NORTHERN DISTRICT OF
CALIFORNIA; [PROPOSED] ORDER**

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21 Melvin Shields, by and through his attorney of record, Thomas J. Nolan, hereby requests
22 that the Court modify his conditions of pretrial release to permit him to travel to the Northern
23 District of California on June 4, 2013 and remain in the Northern District of California for one
24 night and returning to the Western District of North Carolina on June 6, 2013.

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1 I, Thomas J. Nolan, declare the following:

2 1. I am an attorney licensed to practice in the State of California and the United States
3 District Court, Northern District of California, and I am a senior partner at the firm of Nolan,
4 Armstrong, and Barton, LLP, in Palo Alto, California.

5 2. I am the attorney of record for Melvin Shields in the above-entitled action.

6 3. Mr. Shields is charged with a violation of 18 U.S.C. §1349, conspiracy to commit
7 wire, mail, and bank fraud, violations of 18 U.S.C. §1343 & §2, wire fraud and aiding and
8 abetting, 18 U.S.C. §1341 & §2, mail fraud and aiding and abetting, 18 U.S.C. §1344 & §2, bank
9 fraud and aiding and abetting, 18 U.S.C. §§ 78j(b) and 78ff, 17 C.F.R. §§ 240.10b-5, and 18
10 U.S.C. §2, securities fraud and aiding and abetting, and 18 U.S.C. §98(a)(1)(C) & §2461(C),
11 forfeiture of proceeds of specified unlawful activity.

12 4. Mr. Shields lives in Granite Falls, North Carolina.

13 5. Mr. Shields was released on May 30, 2012 by Judge David Keesler of the Northern
14 District of North Carolina.

15 6. A condition of Mr. Shields' release is that he is not to travel outside the Western
16 District of North Carolina.

17 7. A condition of Mr. Shields' release, pursuant to an order of this Court on July 25,
18 2012, is that Mr. Shields is subject to a daily curfew that is electronically monitored by Pretrial
19 Services.

20 8. Mr. Shields is currently supervised by Pretrial Services Officer in the Northern
21 District of California, Kim Do and North Carolina Probation Officer Gerald Patton.

22 9. Mr. Shields and counsel for Mr. Shields believe that a meeting between Mr. Shields
23 and counsel is necessary at this time for defense preparations.

24 10. I am informed that, if given permission, Mr. Shields would travel to the Northern
25 District of California on June 4, 2013 returning June 6, 2013. He plans to travel on U.S. Airways
26 flight number 1503 departing Charlotte, NC at 7:40AM, arriving in Phoenix, AZ at 9:12AM with
27 a connecting flight number 280 departing Phoenix, AZ at 9:55AM and arriving in San Jose, CA at

1 11:45AM. He plans to travel on U.S. Airways flight number 549 departing San Jose, CA on
2 7:10PM on June 5, 2013, arriving in Phoenix, AZ at 8:59pm with a connecting flight number 563
3 departing Phoenix, AZ at 10PM, arriving in Orlando, FL at 5:11AM with a connecting flight
4 number 1428 departing at 6:45AM and arriving in Charlotte, NC at 8:22AM. He plans to stay at
5 the Comfort Inn Palo Alto at 3945 El Camino Real Palo Alto, CA 94306.

6 11. Mr. Shields will provide Officer Patton with his itinerary and booking
7 confirmations for flight and lodging once he has permission to travel and has completed booking.

8 12. Pre-trial services supervising officer Mr. Richard Sarlatte has represented to
9 defense counsel on May 16, 2013 that pre-trial services does not oppose this travel plan and
10 request for modification of pre-trial release conditions in order to allow Mr. Shields to travel for
11 legal purposes.

12 13. Mr. Patton, Mr. Shields's supervising officer in the Western District of North
13 Carolina, has represented to counsel on May 17, 2013 that he does not oppose this travel plan and
14 request in order to allow Mr. Shields to travel for legal purposes.

15 14. The Assistant United States Attorney assigned to this case, Joseph Fazioli, has
16 represented to counsel on May 16, 2013 that he does not oppose this travel plan and request in
17 order to allow Mr. Shields to travel for legal purposes.

18 15. Mr. Shields is currently on electronic monitoring and would need to disable the
19 transmitter in order for him to travel. Upon return to the Western District of North Carolina, Mr.
20 Shields would reactivate his electronic monitoring device.

21 16. For the foregoing reasons, Mr. Shields requests a modification of the terms of his
22 pretrial release to allow him to travel to the Northern District of California on June 4, 2013,
23 returning to the Western District of North Carolina on June 6, 2013 and to allow him to remove
24 and/or disable his electronic monitoring device during this time.

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1 I declare under penalty of perjury that the foregoing is true and correct except for those
2 matters stated on information and belief and as to those matters I am informed and believe them to
3 be true. Executed this 23th day of May, 2013 at Palo Alto, California.

4 Dated: May 23, 2013

/s/

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6 Thomas J. Nolan
7 Attorney for Defendant Melvin Shields
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